

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WHITNEY EQUIPMENT CO., INC., a
Washington corporation,

Plaintiff,

v.

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a Connecticut
corporation,

Defendant.

No.: _____

NOTICE OF REMOVAL

TO: THE CLERK OF THE COURT
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Defendant Travelers Casualty and Surety Company of America ("Travelers"), by and
through its attorneys Bullivant Houser Bailey PC, state:

1. This action was filed in King County Superior Court on October 8, 2018, and
is pending in the Superior Court of the State of Washington for King County, under Cause
No. 18-2-25175-3 SEA. Because this Court is the District Court of the United States for the
district and division embracing the place where the state court action is pending, it is the
appropriate court for removal pursuant to 28 U.S.C. §1441.

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PAGE 1

BullivantHouserBailey PC
1700 Seventh Avenue, Suite 1810
Seattle, Washington 98101-1397
Telephone 206.292.8930

1 2. A copy of the Complaint Plaintiff filed in King County Superior Court is
2 attached. The Verification of State Court records, to be filed, will include a copy of all other
3 process, pleadings, and orders served upon Travelers in the State Court action.

4 3. The Insurance Commissioner of the State of Washington was served with the
5 Complaint, on behalf of Travelers on October 11, 2018. Travelers' agent for service of
6 process received service on October 16, 2018. Therefore, this Notice of Removal is timely
7 filed pursuant to 28 U.S.C. §1446. A copy of the Notice of Service of Process is attached.

8 4. This Court has original jurisdiction over the subject matter of this action on the
9 basis of diversity of citizenship. As required by 28 U.S.C. §1332(a), the matter in
10 controversy is between citizens of different states: Plaintiff is a Washington corporation with
11 its principal place of business in King County, Washington, and Travelers is a foreign
12 corporation organized under the laws of the State of Connecticut with its principal place of
13 business in Hartford, Connecticut.

14 5. "Intradistrict Assignment": Defendant Travelers is removing this matter to the
15 Seattle Division of the United States District Court of Western Washington in accordance
16 with LCR 3(d) because a substantial part of the events or omissions giving rise to Plaintiff's
17 claims occurred in King County, Washington.

18 6. The monetary threshold of 28 U.S.C. §1332(a) is also met. Pursuant to CR
19 101(a), Travelers believes in good faith the dollar amount sought by Plaintiff exceeds the
20 sum or value of \$75,000, exclusive of interest and costs. While the Complaint does not
21 specifically allege an amount in dispute, Plaintiff submitted an insurance claim for
22 \$352,631.78. Travelers issued a partial payment of this claim. Plaintiff disputed Travelers'
23 coverage determination. The parties have a dispute relating to an amount in excess of
24 \$75,000.

25 7. Pursuant to 28 U.S.C. §1446, Travelers removes this action to the captioned
26 court.

1
2 DATED: November 9, 2018

3 BULLIVANT HOUSER BAILEY PC

4
5 By /s/ Michael McCormack
6 Michael McCormack, WSBA #15006
E-mail: michael.mccormack@bullivant.com

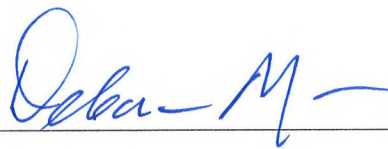
7 Attorneys for Defendant Travelers Casualty and
8 Surety Company of America
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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2018, I electronically filed the foregoing with the Clerk of the Court using the e-filing system which will send notification of such filing to the persons listed below:

Tristan N. Swanson
Ashbaugh Beal
701 Fifth Avenue, Suite 4400
Seattle, WA 98104
tswanson@ashbaughbeal.com
Attorneys for Plaintiff

Dated: November 9, 2018



Deborah Messer

4846-6369-1898.1